

April 28, 2014

PRESENT: Philip Bean, Chairman
Mary-Louise Woolsey, Vice-Chairman
Rick Griffin, Selectman
Rusty Bridle, Selectman
Jim Waddell, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Comment Period (6:32)

John Kahn, 115 Ocean Blvd, commented: here to speak in favor of a race they will be looking at tonight for approval; beach is very quiet and race is being held preseason; always trying to stretch out the season; have been successful in the Fall; 5k race/walk; fun events that racers like to take part in; walkers can even complete the race in less than an hour; will bring a lot of people to the beach; always striving to do this; how racers help to promote areas where they have raced; 40% of racers are coming from out of Town; restaurants that are already open at the beach; all these little events help get the offseason running.

Bob Ladd, 7 Cutler Ave, commented: in January took a vote before the Precinct and voted unanimously in favor of this race; was approved for all the reasons just mentioned; it is his understanding that over half the racers come from out of State; would like to encourage this Board to appoint an Emergency Management Committee; discussed the number of surrounding communities that have a Director; Hampton places the duty with the Police Chief; need to bring this together in a more formalized way; a lack of preparedness leads to very negative outcomes; spoke about the question if the Seabrook Power Plant can withstand an earthquake; goals of FEMA; talked about hazard mitigation and how if meet certain requirements can see discounts on flood insurance premiums; possible advice that can be given to the Planning Board about zoning; all of this cannot be done by a Police Chief who already has enough responsibilities.

II. Announcements and Community Calendar (17:21)

Selectman Waddell announced Hampton Public Works annual springtime curbside yard waste is week of April 28th.

Selectman Woolsey shared a very nice thank you letter from Richie McFarland Children's Center for the \$6,000 and also received a very nice letter from the Fisher House, which she read.

Selectman Bridle announced that the Recreation Department still has summer job openings for lifeguards, parking lot attendants, and counselors. He also announced still spots open for adopt a spot/garden.

III. Appointments (19:07)

1. Ellen Lavin, Town Treasurer - Postponed to May 05, 2014 Meeting
 - a. Presentation and signing of \$4 Million 2014 TAN
2. Michael Schwotzer, Finance Director - Postponed to May 05, 2014 Meeting
 - a. Monthly Financials
3. Richard Fitzpatrick (19:17)
 - a. 4 Nor East Lane Seawall

Steve Oles of MSC Engineers and Mr. Fitzpatrick both present tonight. Mr. Oles commented: proposal for emergency repairs to seawall; has provided pictures for the Board; went through pictures describing the area; how rocks have been knocked down; have approval from DES for emergency work; would like this Boards approval so can go forward prior to May 15th date.

Selectman Woolsey commented: had Mr. Oles discuss how the original wall was designed; asked about the opening and if that affects the impact of the wave.

Mr. Oles went into details of the wall and repairs to be done; Mr. Fitzpatrick talked about how the previous owner had a few rocks dropped in this area and how he want the rocks put back. Mr. Oles commented on how they plan to do the work under this emergency permit and then go to the Planning Board and Conservation Commission.

Mr. Welch commented: Mr. Fitzpatrick bought this property some time ago; the predecessor of title had gone to the State to get an emergency permit to do modifications to the seawall; as part of the permit he was required to come to the Town Planning Board, Conservation and this Board which he never did; instead he went and did whatever work he wanted; as a result it was not done right; Mr. Fitzpatrick is here today to try and solve that problem; will need to go to Planning and Conservation; but in the meantime need to do the repairs to make it safe; they have done all the paperwork for this board; on the right path since he is trying to repair something that was not done right the first time by the previous property owner.

Mr. Diener commented that the Town Manager is absolutely correct, this work was permitted by DES as an emergency permit but not approved by any other Town Boards/Commissions; applaud this new property owner; problems he has with wall; commented on DES permit stating it expires on May 1, 2014.

Mr. Welch commented that date is DES schedule and this needs to be fixed; danger that exists if there is a storm; does not have a problem if everyone is willing to go with a hindsight permit.

Mr. Oles has contacted DES about the date and possibility of being granted an extension.

Selectman Griffin MOTIONED that Mr. and Mrs. Fitzpatrick of 4 Nor East Lane be granted a permit to repair a seawall at that location in accordance with DES approvals and in accordance with the plans submitted to the Board of Selectmen SECONDED by Selectman Woolsey.

VOTE: 5-0-0

4. Berkley Bennett, Commander American Legion Post 35 (28:26)
 - a. Memorial Day Observance Parade and Public Gathering License

Commander Bennett commented: representing Post 35 tonight; have before the Board an application for Parade and Public Gathering License for Memorial Day; went through the activities to take place that day; detailed the parade route for Hampton; talked about other events they will be hosting this year; mentioned the fundraisers they will be holding this year; referred everyone to their website www.post35.com.

Selectman Woolsey MOTIONED to approve American Legion Post 35 Memorial Day Observance Parade and Public Gathering License SECONDED by Selectman Waddell.

Selectman Griffin congratulated Commander Bennett on his appointment and he is sorry that he will be missing the events on Memorial Day.

Selectman Bridle commented that the Legion does a great job every year; citizens are proud of all that they do; especially the Global War on Terrorism monument; they represent Hampton well.

Selectman Waddell thanked them also for the job they do.

VOTE: 5-0-0

5. Greg Grady (33:17)
 - a. 14th Annual Hampton Beach Master Sand Sculpting Competition

Mr. Grady commented: need the Town support to have this great event; known as the kickoff of summer; looking for support from the Police Department which he talked about in detail; spoke about dates and what will be occurring at each time; would like snow fencing from Public Works as provided in the past; Fire Department has always helped to fill water bottles down there; support of all the entities that make this such a great event.

Selectman Woolsey commented on the great job that is done.

Selectman Griffin wished them luck.

Selectman Bridle asked about the location and it is north of the Shell.

Selectman Waddell commented on the great job he does as well.

6. Matt Gray (37:28)
 - a. Parade and Public Gathering License “Craft Brew Races Seacoast”

Mr. Gray provided the history of his company based in Rhode Island; talked about the road races they host; charitable component; new series which includes an event in all of the New England States; this race would be hosted on May 10th at the State Park; talked about the number of things they have done in regards to this race; have permit from the State; mentioned the 27 brewery’s that will be participating; have met with the Police Department and how they were told that they do not support the race and provided reasons why, did state that if the race was approved by the Board the Police Department would work with them; races in all other New England States have been approved; economic impact on the community; happy to answer any questions.

Selectman Woolsey commented that we pay Department Heads to protect this community; both Police and Fire Chief have not signed off on this; objects to bypassing them and asking this Board to sign some type of permit; read letter from Mr. Welch to race organizers stating permit had not been approved; refuses to act on this and entertain anything to do with this.

Selectman Griffin asked Mr. Welch about the Police Chief stating he would do it if approved by the Board, Mr. Welch supposes anything can be done, but it is 13 days from event and there is no emergency plans for the Police and Fire to work it, there are no plans for public safety, the Police Chief told him today that he does not support since there is not time to prepare, does not think it should be approved without the both Chiefs support, there are concerns with liquor license and other permits.

Selectman Bridle commented that it sounds like a great event; however agrees that there does not appear to be enough time to prepare for this event; thinks it would have been a good event for the beach. Mr. Welch stated if the permit and plans were filed with the Town when they were filed with the State in March they would have had enough time to review this, receiving this last week is not enough time.

Selectman Waddell commented that this one really bothers him; as a former runner and strong supporter of races; stated that he spoke with someone a few weeks back and encouraged them to change the course. Mr. Gray stated they were 100% in favor of changing the course. Mr. Waddell stated that someone from your group said that they would not.

Mr. Waddell stated he has in the past worked with the Police to plan the Reach the Beach Race; has to agree with others on the Board that if they go against the Police and Fire Chief they will be setting a horrible precedent; does not see how they were not able to work this out.

Chairman Bean thanked Mr. Gray for attending, that he has look at their website; heard everything that was said here; he supports the Police Chief, Fire Chief and Mr. Welch; received their request on the 21st of April; they are calling for between 500 and 1,000 people; have no control over weather conditions; serving alcohol; very close proximity to where two people lost their lives last year; going forward there needs to be a longer time line between when we run a road race; when we are going to invite people into this community and serve alcohol; need months and months not just weeks; not going to place people at risk; it is on their shoulders; there needs to a better job when the State is notified of using their resources and letting the Town know; time to gear up and prepare; talked about the process between the State, the Precinct and the Town for events like this and Board needs to establish deadlines; impossible to do from a safety standpoint.

Mr. Welch commented that he thinks it is probably a great activity; however both of the Chiefs are telling him there is not enough time to prepare to protect the people within the race and the town; have seen 90 degree days and the impact this has on the community; one thing that disturbed him is a comment made to the Chief in regards to holding race with or without the approval; very serious matter since we are responsible for protecting all people; had the State have notified the Town back in March and we would then not be sitting here; the State cannot approve this race without the Town's approval, it is up to this Board to make the decision if they want to approve this permit.

Mr. Gray commented: agrees short time from when this Board saw the request; however they started the process back in January and went through the different groups of people they dealt with at that time; had support of Precinct, so thought they had Town support; tried to communicate with Police on many occasions starting as early as March, but were put off; flexible on course; want to put on a fun road race; 100% committed to safety; willing to work with everyone; where there is a will there is a way; we do need Town's support to move forward; have commitment of 27 small businesses in the State; committed to making this happen; if approved will stay over tonight and work with both Chief's tomorrow morning.

Selectman Woolsey MOTIONED to DENY the Parade and Public Gathering License "Craft Brew Races Seacoast" SECONDED by Selectman Waddell.

VOTE: 5-0-0

Selectman Griffin thinks that the majority of the people here are in supported of road races but we have to support the Police Chief.

7. Brian McCain, Channel 22 (58:52)
 - a. DSL connection for Channel 13

Mr. McCain explained that this is another step in getting Channel 13 on the air independent from Channel 22; going to have Paul explain the details.

Mr. Paquette explained that in order to have the School up and running there is a need to put in an internet connection for their equipment; need to do before equipment arrives; like to order a DSL line; School would have to take over the monthly cost after setup is done; upload is the most important thing; if at some point put a studio in a school will be able to run live; provided details of connection; setup is \$400 and talked about monthly fee; first month would be \$728 after that would be \$295 per month.

Selectman Woolsey MOTIONED to approve the DSL connection for Channel 13 SECONDED by Selectman Waddell.

VOTE: 5-0-0

IV. Approval of Minutes (1:02:11)

1. April 14, 2014

Selectman Woolsey MOTIONED to approve the April 14, 2014 minutes SECONDED by Selectman Bridle.

VOTE: 5-0-0

V. Town Manager's Report (1:02:24)

1. For those who have not completed your licensing for your dog, licensing is due by this Wednesday, April 30, 2014. Please see the Town Clerk.
2. The Assessing Department has reported on the close of filings for exemptions and credits as follows: Total exemptions for 2014 for Elderly, Blind, and Disability decreased by \$400 to \$30,938,300; 2014 Veterans Credits totaled 842 with a value of \$465,235 down by \$11,200 from 2013. Partial Precinct Exemptions increased to 333 from 312 in 2013.

3. Paving of the parking lot at Ashworth & Brown, the site of the old Fire Station has begun, and will be completed in a few days.
4. The Town Public Works Department has engaged an individual to clean the Sun Valley Beach Ocean Front each week starting Memorial Day week through the Seafood Festival.
5. Final grounds cleanup is underway at the Church Street Pumping Station. Parking should be back in operations on a normal basis before Memorial Day.

Mr. Welch added the following: reminded everyone that May 17th is Hazardous Waste Day details on website; FEMA is holding a special session on the new draft flood maps at Marston Elementary School on Thursday May 8, 2014 from 6:30 to 8:30 for municipal officials only; HB219 dealing with the sale of Cemetery Lots has passed both House and Senate; he has appointed Kristi Pulliam as the Finance Director starting on May 1st.

Selectman Woolsey commented that Kristi has been employed since 1998 with the Town so she is very well trained, schooled and prepared to take over her new responsibilities; the Precinct Lot attendants will be using what facilities and Mr. Welch stated either the Fire or Police Station; confirmed with Mr. Welch that the debris from Sun Valley will be coming to the Town since it is Town property; contract is for \$14,000 to do the work at Sun Valley.

Selectman Griffin wished Kristi a lot of luck but is curious about what she is being paid and how rate was determined.

Selectman Bridle questioned so we will now need to replace Kristi's position as Payroll Supervisor and Mr. Welch stated that they are in the process of filling that position.

Chairman Bean asked Mr. Welch to outline his usual and customary procedure responsibilities when hiring Department Heads, which Mr. Welch did including the statutory responsibility.

VI. Old Business (1:10:33)

Selectman Woolsey asked when Mr. Noyes is coming back to the Board and Mr. Welch believes he will be here on May 12th.

Selectman Griffin commented that he has done some checking and he will be in favor of the sewer buy-in fee. Mr. Welch stated that they have a lot of work to do on this and how it is put together. Mr. Welch thinks it will probably be June before this becomes operable. Selectman Griffin discussed the importance of fairness when doing this. Mr. Welch went into further details on the buy-in fee for future development and fairness needs to be invoked into the regulations.

Selectman Bridle shared a question that was asked of him from a property owner of a vacant lot who hopes to build a house in a few years and wonders how they will be treated. Mr. Welch stated that is something the Board will have to decide but his basic answer would be yes they would be charged a fee. He explained how this is basically an impact fee. Mr. Welch also explained the reason behind the buy-in fee in regards to cost of WWTP.

Selectman Waddell commented on the importance of everyone knowing where this came from and that every detail is addressed.

Selectman Woolsey thanked Mr. Welch for bringing this forward.

VII. New Business – None

VIII. Consent Agenda (1:17:58)

1. Elderly Exemptions: Lenzie – Map/Lot 275/48/18; Pierce – Map/Lot 162/22; White – Map/Lot 115/2; Loopley – Map/Lot 275/16; Brown– Map/Lot 178/7; Hopkins – Map/Lot 177/23; Cann – Map/Lot 178/36; Keer – Map/Lot 296/53/1; Bowen – Map/Lot 138/1/1
2. Entertainment License and Posted Permit
 - a. Bernie’s Bar and Grill
3. ~~Parade and Public Gathering License~~
 - a. ~~Hampton Memorial Day Parade and Observances 05/26/2014~~
4. SAU #90 Impact Fee Withdraw of \$20,204.22
5. SAU #90 Inter-municipal Agreement for Cable Access, Facilities and Equipment
6. Lease for Seawall, Revetments, and/or Stairways on Town Property
 - a. 12 Nor’ East Lane

Selectman Woolsey MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Bridle.

VOTE: 5-0-0

IX. Entertainment Licenses Under Review (1:18:39)

1. Sea Ketch Restaurant - 127 Ocean Blvd

X. Closing Comments

XI. Adjournment of Public Meeting (1:18:49)

Selectman Woolsey MOTIONED to adjourn the Public Meeting at 8:13 PM SECONDED by Selectman Bridle.

VOTE: 5-0-0

Chairman